

1 RICK A YARNALL
Chapter 13 Bankruptcy Trustee
2 Daniel Riggs, Esq.
Nevada Bar No. 12270
3 701 Bridger Ave., Ste 820
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6 UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

7 In re:

BK-S-17-13615-ABL
Chapter 13

8 HELEN BEVERLY WILSON,

Hearing Date: October 19, 2017
Hearing Time: 2:00 p.m.

9
10 Debtor.

11 **TRUSTEE'S MOTION TO DISMISS CASE**
12 **PURSUANT TO 11 U.S.C. § 1307(c)(1) and (4)**

13 COMES NOW Chapter 13 Bankruptcy Trustee, RICK A. YARNALL, by and through his
14 counsel of record, Daniel Riggs, Esq., and hereby moves this Honorable Court for an Order
15 dismissing the instant case for failure to commence payments pursuant to 11 U.S.C § 1307(c)(1) and
16 (4).

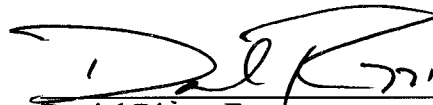
17 11 U.S.C. § 1307(c)(1) states that a case may be dismissed for unreasonable delay by the
18 debtor that is prejudicial to creditors. The Debtor filed the instant case on July 3, 2017. See
19 Docket No. 1. The Debtor's § 341 (a) Meeting of Creditors was scheduled for August 15, 2017
20 at 8:00 a.m. The Debtor failed to appear at her scheduled hearing. Consequently, the hearing
21 was taken off calendar. To date, Debtor has failed to notice a new § 341 (a) Meeting of
22 Creditors. Trustee asserts that the Debtor's failure to appear at her § 341 (a) Meeting of
23 Creditors hearing is unreasonable.

1 Section 1326(a)(1) requires Debtors to commence making plan payments no later than 30
2 days after the commencement of the case. Section 1307(c)(4) states that a case may be dismissed for
3 failure to commence making timely payments under Section 1326. In this case, the Debtor was
4 required to commence making payments on August 3, 2017. The Debtor has yet to make a payment.
5 Due to the Debtor's failure to make plan payments, her creditors are harmed by the delay because the
6 automatic stay is in effect while the Debtor has done nothing to move her case forward. Therefore,
7 Trustee requests the Court to dismiss this instant case based on the foregoing reasons.

8 WHEREFORE, the Trustee respectfully requests that this Honorable Court issue an Order
9 dismissing the instant case for failure to set a new § 341 (a) Meeting of Creditors hearing and
10 failure to commence making payments pursuant to § 1307(c)(1) and (4).

11 DATED this 15th day of September, 2017

12 Submitted by:

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15 Daniel Riggs, Esq.
16 Nevada Bar No. 12270
17 701 Bridger Ave., Suite 820
18 Las Vegas, NV 89101
19 Attorney for RICK A. YARNALL,
20 Chapter 13 Bankruptcy Trustee
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23

[PROPOSED ORDER]

RICK A YARNALL
Chapter 13 Bankruptcy Trustee
Daniel Riggs, Esq.
Nevada Bar No. 12270
701 Bridger Ave., Ste 820
Las Vegas, NV 89101
(702) 853-4500
RAY13mail@lasvegas13.com

E-Filed: _____

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

BK-S-17-13615-ABL
Chapter 13

HELEN BEVERLY WILSON,

**ORDER ON TRUSTEE'S MOTION TO
DISMISS CASE PURSUANT TO 11 U.S.C. §
1307(c)(1) and (4)**

Debtor.

Hearing Date: October 19, 2017
Hearing Time: 2:00 p.m.

Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C. § 1307(c)(1) and (4) having come on for hearing in the above-entitled Court on October 5, 2017, at 2:00 p.m., with counsel appearing on behalf of Chapter 13 Bankruptcy Trustee, RICK A. YARNALL, other appearances as noted on record, argument having been heard, and based upon the papers and pleadings on file herein, and good cause appearing:

IT IS HEREBY ORDERED that Trustee's Motion is GRANTED and the above captioned

1 bankruptcy proceeding is DISMISSED pursuant to 11 U.S.C. § 1307(c)(1) and (4);

2 IT IS SO ORDERED.

3 Submitted by:

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5 Date: _____

6 Daniel Riggs, Esq.
7 Attorney for Rick A. Yarnall,
8 Chapter 13 Bankruptcy Trustee
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1 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirement set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☐ I have delivered a copy of this proposed order to all counsel who appeared at the
6 hearing, and any unrepresented parties who appeared at the hearing, and each has
7 approved or disapproved the order, or failed to respond, as indicated below [list each
8 party and whether the party has approved, disapproved, or failed to respond to the
9 document]:

10 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this
11 order with the motion pursuant to LR 9014(g), and that no party has objected to the
12 form or content of the order.

13 Date: _____

14 _____
15 An Employee of Rick A. Yarnall
16 Chapter 13 Bankruptcy Trustee

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CERTIFICATE OF MAILING

I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Trustee; that I am over the age of 18 years; and that on the 15th day of August, 2017, I provided a copy of the **Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C. § 1307(c)(1) and (4) and Notice of Hearing** to each of the following by:

☐ a. ECF System:

☒ b. United States mail, postage fully prepaid:

HELEN BEVERLY WILSON
1405145 Rawhide St., Apt. 133
Las Vegas, NV 89122

☐ c. Personal Service

☐ d. By direct email (as opposed to through the ECF System)

☐ e. By fax transmission


/s/ Leah Engel

Leah Engel, an Employee of
RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE